

10-04-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No. A-58631-4/RFT/DJM

"EXPRESS MAIL" MAILING LABEL  
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Anticipated Classification of this Application:

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, BOX PATENT APPLICATION FEE, WASHINGTON, DC 20231.

Class: Subclass:

TYPED NAME VINCENT DIAZ

SIGNED Vincent M. Diaz

Serial No.: 08/485,355

Filed: June 7, 1995

Assistant Commissioner for Patents  
**BOX PATENT APPLICATION FEE**  
Washington, DC 20231

Sir:

This is a request for filing:

- ☐ Original
- ☐ Continuation
- ☒ Divisional
- ☐ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of

PETER D. CHRISTIAN, KARL H.H. GORDON, TERY N. HANZLIK  
(Names of ALL Applicants)

for INSECT VIRUSES AND THEIR USES IN PROTECTING PLANTS  
(Title of Invention)

This ☐ continuation ☒ divisional ☐ continuation-in-part

claims priority to pending application Serial No. 08/485,355, filed on June 7, 1995.

- (a) ☐ Enclosed is a new application.
  - (b) ☐ Enclosed is a continuation-in-part application.
  - (c) ☒ Enclosed is a copy of the prior application.
- (a) ☐ Enclosed is a new Declaration.
  - (b) ☒ Enclosed is a copy of the prior Declaration as originally filed.
- (a) ☐ Enclosed is a Small Entity Affidavit.
  - (b) ☐ A Small Entity Affidavit is of record in the prior application.
- (c) ☒ The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

	(Col. 1)	(Col. 2)	SMALL ENTITY		OTHER THAN SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
<b>BASIC FEE</b>				<b>\$355</b>		<b>\$710</b>
TOTAL CLAIMS	10 - 20 =	0	x 9 =	\$	x 18 =	\$0
INDEP CLAIMS	2 - 3 =	0	x 40 =	\$	x 80 =	\$0
MULTIPLE DEPENDENT CLAIM PRESENTED		<u>X</u> NO	+135 =	\$	+270 =	\$0
If the difference in Col 1 is less than zero, enter "0" in Col. 2			<b>TOTAL</b>	<b>\$</b>	<b>TOTAL</b>	<b>\$710</b>

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (File No. A-58631-4/RFT/DJM).

6. ☒ Our check in the amount of \$ 710.00 is enclosed.  
☐ The filing fee is NOT being submitted with this transmittal letter.
7. ☒ Cancel in this application original claims 1-14 & 25-32 of the prior application before calculating the filing fee.  
(At least one independent claim must be retained for filing purposes.)

8. ☒ Amend the specification by inserting before the first line the sentence:

This is a ☐ continuation ☒ divisional ☐ continuation-in-part  
of application Serial No. 08/485,355 filed June 7, 1995.

9. (a) ☒ Fifty-six sheets of informal drawings are enclosed.  
(b) ☐ sheets of formal drawings are enclosed.
10. (a) ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. 119.  
(b) ☐ The certified copy has been filed in prior application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_.
11. ☒ The prior application is assigned of record to Commonwealth Scientific and Industrial Research Organisation and Pacific Seeds Pty. Ltd.

12. ☒ The power of attorney in the prior application is to:

Name: FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Address Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187

- (a) ☒ The power appears in the original papers in the prior application.  
(b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
(c) ☐ A new power has been executed and is enclosed.  
(d) ☐ Address all future communications to:

RICHARD F. TRECARTIN  
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (650) 494-8700  
Fax: (650) 494-8771

13. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
14. ☒ I hereby verify that the attached papers are a true duplicate of prior application Serial No. 08/485,355 as originally filed on June 7, 1995.

Date: 10/3/00

Signature: Richard F. Trecartin

Richard F. Trecartin  
Reg. No. 31,801

Address of Signer:

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
4 Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (650) 494-8700  
Fax: (650) 494-8771

- ☒ Attorney or agent of record  
☐ Filed under Section 1.34(a)